

## ***INSTRUCTIONS FOR APPLICATION FOR UTILITIES ACROSS STATE TRUST LANDS***

### **NON-REFUNDABLE \$50.00 APPLICATION FEE REQUIRED**

Per ' 77-1-130, applications for permanent, non-exclusive easements for utility facilities located on state trust lands prior to 1997 will be accepted by the Department of Natural Resources and Conservation (DNRC) until October 1, 2006. Processing of these applications is expected to take some time and the above-referenced statute grants DNRC until October 1, 2011 to do so.

When accepting applications for historic road and utility easements, the following is required:

- An original and one copy of the application form, including a notarized affidavit by the applicant.
- Two copies of the most recent aerial photograph taken by an agency of the United States which clearly shows the location of the facility. The aerial photograph must be labeled with a North arrow, be dated and the flight line data indicated on the photo.
- Two copies of the most recent USGS Quadrangle map with location of the facility and North arrow shown or platted thereon. You may also submit a GPS survey with a statement of the model of unit used and the level of accuracy. Contact should be made with the appropriate DNRC Area Office prior to submittal of an application to determine whether a licensed surveyor's or professional engineer's seal will be required in addition to the information on the GPS unit utilized.
- If more recent aerial photos or quadrangle maps do not depict the utility facility, other documentation which proves existence of the facility prior to 1997 may be provided. Examples of such are:
  - Dated plan and staking sheets;
  - GPS maps generated prior to 1997 with a statement of the model of unit used and the level of accuracy. Contact should be made with the appropriate DNRC Area Office prior to submittal of an application to determine whether a licensed surveyor's or professional engineer's seal will be required in addition to the information on the GPS unit utilized.
- A description of facility type (e.g. distribution or transmission; voltage; fiber optic or other) and commonly used name, if any, of the line.

Compensation for historic facilities will be calculated by multiplying the amount of acreage encumbered by the easement area times the current fair market values of the land crossed or by applying the minimum charge of \$100 per section of state land crossed, whichever is greater.

Minimum widths for easement will be negotiated between the DNRC and applicant.

If crossing multiple sections of state land, you must submit separate applications for each section crossed. Acreage encumbered by the requested easement must be calculated for each section. The applicable maps and/or staking sheets must be attached to each application for the portion of the section crossed by the road.

A permanent easement may only be issued for the existing condition of the facility. If a historic easement is granted, any future expansion of use or upgrade will require amendment of the historic easement under the process outlined in ' 77-2-101 MCA.